UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,714	08/23/2001	Chantal Roth	NADII.030A	1777

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EXAMINER
MIZRAHI, DIANE D

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/938,714	ROTH, CHANTAL
	Examiner	Art Unit	
	DIANE D. MIZRAHI	2165	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 November 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DIANE D. MIZRAHI
PRIMARY PATENT EXAMINEP
TECHNOLOGY CENTER 2100

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

III. DETAILED ACTION

Claims 1-21 are presented for examination.

Applicant's amendment submitted on November 12, 2004 with respect to claims 1-21 and newly added claims 19-21 has been acknowledged. Examiner acknowledges Applicant's noted corrections of the typographical errors.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Response to Applicant's Remarks

Examiner has completed a through review and study of Applicant's amendment of November 12, 2004; especially, Applicant's amendments to claims 1, 6-11, 14, 16, and 18. Upon further review and updating of the prior art search for this application, Examiner respectfully asserts that Li et al. (US Patent no. 6,697,818 B2 and Li hereinafter) teaches Applicant's invention. These reasons are stated in Applicant's newly amended limitations. Please see the next section under Claim Rejections - 35 USC § 102.

Regarding the claim objection because of improper dependency, Applicant's request the removal of the objection for Claim 18 is granted.

Regarding Examiner's rejection under 35 USC § 112, second

paragraph having insufficient antecedent basis regarding "the

nodes", Examiner withdraws the rejection of Claim 15.

Note: For sake of clarity regarding the rejection of the new

limitations, Examiner will cite the prior art made of record, Li

et al. (U.S. Patent No. 6,697,818 B2) with the description of

the teachings in the patent. For example, Examiner will refer .

to the location of teaching in the Li patent in the format as

(<u>Brief Summary Text</u>, paragraph 6).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American

Inventors Protection Act of 1999 (AIPA) and the Intellectual

Property and High Technology Technical Amendments Act of 2002 do

not apply when the reference is a U.S. patent resulting directly

or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the

amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Li et al. (U.S. Patent No. 6,697,818 B2 and Li

hereinafter).

Regarding Claim 1, Li teaches a system for searching a

database of biological information, said system comprising: a

server computer (col 14, lines 2-20) comprising a

- In regards to the new limitation added by Applicant -

"relational", Li teaches "relational" (i.e. a relational

database engine) (<u>Brief Summary Text</u> , paragraph 6)

 database (col 7, lines 28-44) of biological information (i.e.

medical) (col 10, lines 7-13) and a first module for receiving a

structured language query and transferring said query to a

search engine;(col 9, lines 12-29) a database graph generation

module associated with said search engine configured to generate

a database graph (col 10, lines 57-60;); and a joins module

configured to create joins between database tables based on said

database (col 14, lines 21-30) graph (col 10, lines 57-60),

wherein said server (col 14, lines 2-20) computer runs a

structured query language (SQL) search (col 14,lines 55-60) on

said database based upon said joins (col 14, lines 21-30).

Regarding Claim 7, Li teaches a computer system

- In regards to the new limitation added by Applicant -

"search engine" is clearly taught by Li (i.e. the search

engine) (Detailed Description Text, paragraph 38) for searching

a database of biological information, said system comprising: a

server computer (col 14, lines 2-20) comprising a

 - *In regards to the new limitation added by Applicant -*

"relational", Li teaches "relational" (i.e. a relational

database engine) (Brief Summary Text , paragraph 6)

database (col 7, lines 28-44) of biological information (i.e.

medical) (col 10, lines 7-13) and a first module for receiving a

structured language query and transferring said query to a

search engine;(col 9, lines 12-29) a database graph generation

module associated with said search engine configured to generate

a database graph (col 10, lines 57-60;); and a joins module

configured to create joins between database tables based on said

database (col 14, lines 21-30) graph (col 10, lines 57-60),

wherein said server (col 14, lines 2-20) computer runs a

structured query language (SQL) search (col 14,lines 55-60) on

said database based upon said joins (col 14, lines 21-30).

Regarding Claim 14, Li teaches a method for querying a

relational database comprising: sending a structured language

database query to (Brief Summary Text , paragraph 8) a search

engine (<u>Brief Summary Text</u> , paragraph 6); parsing the

relational database (i.e. query parsing function)(<u>Detailed</u>

<u>Description Text</u> , paragraph 44) and creating a database graph

(col 10, lines 57-60); creating correct joins between nodes

corresponding to said query (i.e. reads on the insert the node

which contains the key q into the index, and may involve

splitting and balancing the tree… deleting the node which

contains the key q from the index, and may involve merging and

balancing the tree)(<u>Detailed Description Text, paragraph</u> ,

paragraph 31); translating said structured language (i.e. SQL

Standard Query Language) (<u>Brief Summary Text, paragraph 8</u>)

database query into an SQL statement (<u>Detailed Description</u>

<u>Text</u>, paragraph 44) and sending SQL to relational database (i.e.

relational database…. process to combine query results from SQL

(Standard Query Language) (<u>Brief Summary Text</u> , paragraph 8).

Regarding Claim 2, Li teaches a second module that receives

the results of said SQL search and translates said search

results into a structured language (col 14, lines 21-30).

Regarding Claim 3, Li teaches wherein said structured

language query (col 14, lines 21-30) is sent to a client

computer (col 7, lines 45-65).

Regarding Claim 4, Li teaches wherein said first module

comprises a user interface that provides a list of searchable

fields within said database   (col 7, lines 28-44).

Regarding Claim 5, Li teaches wherein said first module

comprises a viewer module configured to present search results

(col 7, lines 28-44) in a graphical format (col 10, lines 57-

60).

Regarding Claims 6 and 18, Li teaches wherein said

structured language comprises the(col 14, lines 21-30)

extensible markup language (XML), JavaScript, or the hypertext

markup language (HTML) (col 1, lines 19-38).

Regarding Claim 8, Li teaches XML (col 1, lines 18-38)

send/receive Module for sending and receiving information to and

from a Search Panel Module stored on a Client Computer (col 1,

lines 18-37).

Regarding Claim 9, Li teaches wherein said XML send/receive

Module receives an XML structured query from a Client Computer,

and delivers said XML structured query to a search tool module

(col 1, lines 18-38).

Regarding Claim 10, Li teaches wherein said Database Graph

Generation Module creates a graph (col 10, lines 57-60) of a

user-selected database (col 7, lines 28-35).

Regarding Claim 11, Li teaches wherein said

   - *In regards to the new limitation added by Applicant* -

"joins module", Li teaches "joins module" (i.e. joins reads
on an enhanced table is created using the command "ENABLE TEXT
COLUMN." ...additional comment handle column, two additional
tables are created) (Detailed Description Text, paragraph 8) and
modules reads on the module that parses... by the act of parsing
to form its own query implies a join such as the module has its
own query parsing mechanism) (Detailed Description Text,
paragraph 46) Create Joins Module utilizes said database graph
(col 10, lines 57-60) to create joins between database tables
(col 14, lines 21-30).

Regarding Claims 12 and 15, Li teaches wherein said Create
Joins Module calculates the shortest path between two database
nodes thereby optimizing the retrieval of requested database
data (col 11, lines 59-67 to col 12, lines 1-7).

Regarding Claims 13 and 16, Li teaches a SQL statement
generation module for translating said XML structured query into
an SQL statement (col 14, lines 21-30) and sending said SQL
statement to said Relational Database (col 1, lines 56-67 to col
2, lines 1-15).

Regarding Claim 17, the limitation of this claim has been
rejected in the claim above. In addition, Li teaches displaying
(Figure 36).

Regarding Newly Added Claims 19-21, these claims are similar in scope to the rejected claims above and are therefore rejected as set forth above.

Applicant's remarks are considered moot, and does not place the application in condition for allowance. Examiner asserts that "every limitation positively recited in a claims was given effect in order to determine what the subject matter that the claim defines" *In re Wilder*, 166 USPQ 545, 548 (CCPA 1970). Examiner believes that claims 1-21 are not allowable over the prior art of record cited in this Final Office.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

Other Prior Art Made of Record

The prior art made of record and not relied upon is

considered pertinent to Applicant's disclosure. U.S. patents

and U.S. patent application publications will not be supplied

with Office actions.   Examiners advises the Applicant that the

cited U.S. patents and patent application publications are

available for download via the Office's PAIR. As an alternate

source, all U.S. patents and patent application publications are

available on the USPTO web site (www.uspto.gov), from the Office

of Public Records and from commercial sources. For the use of

the Office's PAIR system, Applicants may refer to the Electronic

Business Center (EBC) at http://www.uspto.gov/ebc/index.html or

1-866-217-9197.

Communication

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Diane D.

Mizrahi whose telephone number is 571-272-4079. The examiner

can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9001.

Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

February 10, 2005